

UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF RHODE ISLAND

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In re: :

IDC CLAMBAKES, INC. : BK No. 05-12267
Debtor : Chapter 11
:
IDC CLAMBAKES, INC. :
Plaintiff :

v. : A.P. No. 06-1049

GOAT ISLAND SOUTH CONDOMINIUM :
ASSOCIATION, INC., by and through :
DANIEL KINDER, WARREN GALKIN, :
REEDER FOX, NEIL BOND, NEAL SMITH, :
RAY MORRISSETTE and SHIRLEY MINTZ :
in their capacities as Executive :
Board Members :
Defendants
- - - - -x

ORDER

Heard on June 7, 2006, on the Defendants' motion requesting mandatory, or in the alternative, discretionary abstention in the captioned adversary proceeding, pursuant to 28 U.S.C. § 1334(c)(1) & (2). For the reasons argued by the Defendants, which are adopted and incorporated herein by reference, I conclude that discretionary abstention, under 11 U.S.C. § 1334(c)(1), is the way to go here. Accordingly, the Motion to Abstain *in the adversary proceeding* is GRANTED, and the Bankruptcy Court will defer to the State Court, pursuant to 11 U.S.C. § 1334(c)(1). Consistent with this ruling, the Defendants' Motion to Dismiss is DENIED, as is the Debtor's Motion to Consolidate the adversary proceeding with its Objection

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to the Goat Island South Condominium Association's Proof of Claim still pending in the bankruptcy case. The proof of claim litigation will remain in this Court, and the parties are ORDERED to file a scheduling order on or before June 21, 2006. Nothing in this Order is intended to preclude the Debtor from raising any affirmative defenses regarding the Association's Proof of Claim filed in this case. Based upon the parties' expectation that discovery issues will be resolved informally, but expeditiously, the Plaintiff's Motion to extend time to respond to requests for production is DENIED, without prejudice. A status conference is scheduled for June 28, 2006, at 10:00 a.m.

ORDER:

H. D'Agostino

Deputy Clerk

Entered on Docket: 6/14/2006
Document Number: 24

ENTER:



Arthur N. Votolato
U.S. Bankruptcy Judge

Date: June 14, 2006